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VIA Electronic Mail to [EnvJustice@calepa.ca.gov](mailto:EnvJustice@calepa.ca.gov)

Ms. Tam Doduc  
Deputy Secretary for Environmental Quality  
Cal EPA  
P.O. Box 2815  
Sacramento, California 95812

December 2, 2004

RE: California Seed Association's (CSA) Comments on the October 2004 Draft of the Environmental Justice Action Plan

Dear Ms Dudoc:

CSA is a trade association whose membership is comprised of seed producers, allied industry, and researchers. CSA members are known for the high quality seed that they produce, not only within California but worldwide. In the CSA code of ethics it states, to assist in the development of the State of California by encouraging the best uses of its natural resources and by improving the material and social conditions of its entire people". CSA supports Cal/EPA in the effort to develop an Environmental Justice Action Plan and we wish to provide you with our comments on the October 2004 Environmental Justice Action Plan;

We would like to start by commending the committee on the excellent work that they have accomplished to date in developing an action plan that has the promise of being fair for all Californians. We are encouraged by the direction that the plan is moving in and we would like to provide the following comments to the October 2004 Environmental Justice Action Plan.

## **Section 2.1 Develop Guidance on Precautionary Approaches**

Item 1 Develop a common, objective working definition for precautionary approaches.

*We agree that without a clearly stated, easily understood definition of precautionary approaches as the first step it will be impossible to develop a plan that can be successfully implemented. This is also a necessary step prior to identifying where/how precautionary approaches are being used.*

Item 4 Identify reasonable cost effective approaches. That could be used to prevent or minimize adverse environmental impacts.

*You have addressed this comment previously however we feel it is important to address and define cost-effective prior to developing mitigation approaches, as per your response to comments on the August Action Plan. Setting parameters for cost effectiveness will maintain a level of fairness for all Californians.*

## **Section 2.2 Develop guidance on Cumulative Impacts**

Item 1 Develop a common, objective working definition for multi-media cumulative impacts.

*We agree that the challenge ahead is to develop a strong understandable EJ action plan that leaves as little room for interpretation as possible. With that in mind we would encourage you to replace the term multi-media with a more appropriate term, for example multi- pathway. The term multi-media for many conjures up, news media, television and other forms of communication not air, soil water and food. Because one goal of the plan is to include the public in this process, as much as possible, we must to be cognizant of the terminology and use terminology that best fits the task at hand. We are in support of a clear definition of cumulative impacts, only then can guidance eventually be drafted.*

Item 2 Inventory current scientific-based cumulative impacts studies, protocols, and tools, and determine where gaps exist in current methodologies.

*We applaud the fact that you plan to inventory scientific-based cumulative impacts studies and we encourage you to not rely on the use of default numbers to replace data that is lacking. The use of default values would be a disservice to the communities who are relying on this information to make the best sound judgments possible.*

*We still have concerns surrounding how the measure of cumulative impacts will be addressed since the methodology used to date to assess impacts is different for each of the “pathways” (media). To develop a methodology to measure that is, statistically significant, and appropriately peer reviewed will be the important first step prior to conducting the inventory. We strongly encourage you to take the time necessary to accurately and fairly inventory current science-based cumulative impacts studies, protocols, and tools and determine where gaps exist in current methodologies. These steps will be critical to developing future guidance for analysis, prevention and reduction and implementation options including proposals for policy changes.*

In general we believe in order for the EJ Action Plan to be successful in an acceptable time frame the plan must be: clearly stated, terms well defined, and studies must be science-based using peer reviewed, and accepted methodology. We feel that due to the

efforts of the committee and staff to date the plan is developing with potential for fairness to all Californians. Additionally CSA is against the use of social factors being a part of the definition for multi-media cumulative impacts. In previous comments it has been suggested that factors like health insurance, emotional stress, housing, and crime should be incorporated into the definition. Cal-EPA is not capable of either evaluating or remediating these types of issues and it goes well beyond what we feel is the intended scope of this plan. We agree that these issues are of importance to communities, however we do not believe that there is a peer-reviewed or scientific method to evaluate social injustices.

We thank you for your hard work on this project and CSA looks forward to working with Cal/EPA and the EJ Workgroup as work continues on the plan. If you have any questions, please free to call me at (916) 441-2251.

Sincerely,

Betsy Peterson  
Associate Director Technical Services